
SECOND SUBSTITUTE SENATE BILL 6220

State of Washington 60th Legislature 2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Keiser, Parlette, Pflug, Prentice, and Kohl-Welles)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to delegation of nursing tasks to care for persons
2 with diabetes; amending RCW 18.79.260 and 18.88A.210; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
6 state has developed a strong community-based long-term care system in
7 an effort to honor the desire of elderly persons and persons with
8 disabilities to live in their own home or other home-like settings and
9 to provide long-term care services in a cost-effective manner. The
10 legislature further finds that more than fifteen percent of adults over
11 age sixty-five in Washington state have diabetes. Current nurse
12 delegation statutes limit the ability of elderly and disabled persons
13 with diabetes to remain in their own homes or in other home-like long-
14 term care settings.

15 (2) It is the intent of the legislature to modify nurse delegation
16 statutes to enable elderly persons and persons with disabilities who
17 have diabetes to continue to reside in their own home or other
18 home-like settings. While blood glucose testing is already a task that
19 can be delegated, the legislature intends to authorize nurse delegation

1 of administration of insulin injections as provided in this act. For
2 publicly funded clients of the department of social and health
3 services, the legislature intends that nurse delegation of
4 administration of insulin injection be provided only for those clients
5 who are unable to inject themselves and who do not have an appropriate
6 informal support system to assist with insulin injections.

7 **Sec. 2.** RCW 18.79.260 and 2003 c 140 s 2 are each amended to read
8 as follows:

9 (1) A registered nurse under his or her license may perform for
10 compensation nursing care, as that term is usually understood, to
11 individuals with illnesses, injuries, or disabilities.

12 (2) A registered nurse may, at or under the general direction of a
13 licensed physician and surgeon, dentist, osteopathic physician and
14 surgeon, naturopathic physician, podiatric physician and surgeon,
15 physician assistant, osteopathic physician assistant, or advanced
16 registered nurse practitioner acting within the scope of his or her
17 license, administer medications, treatments, tests, and inoculations,
18 whether or not the severing or penetrating of tissues is involved and
19 whether or not a degree of independent judgment and skill is required.
20 Such direction must be for acts which are within the scope of
21 registered nursing practice.

22 (3) A registered nurse may delegate tasks of nursing care to other
23 individuals where the registered nurse determines that it is in the
24 best interest of the patient.

25 (a) The delegating nurse shall:

26 (i) Determine the competency of the individual to perform the
27 tasks;

28 (ii) Evaluate the appropriateness of the delegation;

29 (iii) Supervise the actions of the person performing the delegated
30 task; and

31 (iv) Delegate only those tasks that are within the registered
32 nurse's scope of practice.

33 (b) A registered nurse, working for a home health or hospice agency
34 regulated under chapter 70.127 RCW, may delegate the application,
35 instillation, or insertion of medications to a registered or certified
36 nursing assistant under a plan of care.

1 (c) Except as authorized in (b) or (e) of this subsection, a
2 registered nurse may not delegate the administration of medications.
3 Except as authorized in (e) of this subsection, a registered nurse may
4 not delegate acts requiring substantial skill, and may not delegate
5 piercing or severing of tissues. Acts that require nursing judgment
6 shall not be delegated.

7 (d) No person may coerce a nurse into compromising patient safety
8 by requiring the nurse to delegate if the nurse determines that it is
9 inappropriate to do so. Nurses shall not be subject to any employer
10 reprisal or disciplinary action by the nursing care quality assurance
11 commission for refusing to delegate tasks or refusing to provide the
12 required training for delegation if the nurse determines delegation may
13 compromise patient safety.

14 (e) For delegation in community-based care settings or in-home care
15 settings, a registered nurse may delegate nursing care tasks only to
16 registered or certified nursing assistants. Simple care tasks such as
17 blood pressure monitoring, personal care service, diabetic insulin
18 device set up, verbal verification of insulin dosage for sight-impaired
19 individuals, or other tasks as defined by the nursing care quality
20 assurance commission are exempted from this requirement.

21 (i) "Community-based care settings" includes: Community
22 residential programs for (~~the developmentally disabled~~) people with
23 developmental disabilities, certified by the department of social and
24 health services under chapter 71A.12 RCW; adult family homes licensed
25 under chapter 70.128 RCW; and boarding homes licensed under chapter
26 18.20 RCW. Community-based care settings do not include acute care or
27 skilled nursing facilities.

28 (ii) "In-home care settings" include an individual's place of
29 temporary or permanent residence, but does not include acute care or
30 skilled nursing facilities, and does not include community-based care
31 settings as defined in (e)(i) of this subsection.

32 (iii) Delegation of nursing care tasks in community-based care
33 settings and in-home care settings is only allowed for individuals who
34 have a stable and predictable condition. "Stable and predictable
35 condition" means a situation in which the individual's clinical and
36 behavioral status is known and does not require the frequent presence
37 and evaluation of a registered nurse.

1 (iv) The determination of the appropriateness of delegation of a
2 nursing task is at the discretion of the registered nurse. (~~However~~)
3 Other than delegation of the administration of insulin by injection for
4 the purpose of caring for individuals with diabetes, the administration
5 of medications by injection, sterile procedures, and central line
6 maintenance may never be delegated.

7 (v) When delegating insulin injections under this section, the
8 registered nurse delegator must instruct the individual regarding
9 proper injection procedures and the use of insulin, demonstrate proper
10 injection procedures, and must supervise and evaluate the individual
11 performing the delegated task weekly during the first four weeks of
12 delegation of insulin injections. If the registered nurse delegator
13 determines that the individual is competent to perform the injection
14 properly and safely, supervision and evaluation shall occur at least
15 every ninety days thereafter.

16 (vi) The registered nurse shall verify that the nursing assistant
17 has completed the required core nurse delegation training required in
18 chapter 18.88A RCW prior to authorizing delegation.

19 (~~(vi)~~) (vii) The nurse is accountable for his or her own
20 individual actions in the delegation process. Nurses acting within the
21 protocols of their delegation authority are immune from liability for
22 any action performed in the course of their delegation duties.

23 (~~(vii)~~) (viii) Nursing task delegation protocols are not intended
24 to regulate the settings in which delegation may occur, but are
25 intended to ensure that nursing care services have a consistent
26 standard of practice upon which the public and the profession may rely,
27 and to safeguard the authority of the nurse to make independent
28 professional decisions regarding the delegation of a task.

29 (f) The nursing care quality assurance commission may adopt rules
30 to implement this section.

31 (4) Only a person licensed as a registered nurse may instruct
32 nurses in technical subjects pertaining to nursing.

33 (5) Only a person licensed as a registered nurse may hold herself
34 or himself out to the public or designate herself or himself as a
35 registered nurse.

36 **Sec. 3.** RCW 18.88A.210 and 2003 c 140 s 5 are each amended to read
37 as follows:

1 (1) A nursing assistant meeting the requirements of this section
2 who provides care to individuals in community-based care settings or
3 in-home care settings, as defined in RCW 18.79.260(3), may accept
4 delegation of nursing care tasks by a registered nurse as provided in
5 RCW 18.79.260(3).

6 (2) For the purposes of this section, "nursing assistant" means a
7 nursing assistant-registered or a nursing assistant-certified. Nothing
8 in this section may be construed to affect the authority of nurses to
9 delegate nursing tasks to other persons, including licensed practical
10 nurses, as authorized by law.

11 (3)(a) Before commencing any specific nursing care tasks authorized
12 under this chapter, the nursing assistant must ~~((+a))~~ (i) provide to
13 the delegating nurse a certificate of completion issued by the
14 department of social and health services indicating the completion of
15 basic core nurse delegation training, ~~((+b))~~ (ii) be regulated by the
16 department of health pursuant to this chapter, subject to the uniform
17 disciplinary act under chapter 18.130 RCW, and ~~((+e))~~ (iii) meet any
18 additional training requirements identified by the nursing care quality
19 assurance commission. Exceptions to these training requirements must
20 adhere to RCW 18.79.260(3)(e)~~((+v))~~ (vi).

21 (b) In addition to meeting the requirements of (a) of this
22 subsection, before commencing the care of individuals with diabetes
23 that involves administration of insulin by injection, the nursing
24 assistant must provide to the delegating nurse a certificate of
25 completion issued by the department of social and health services
26 indicating completion of specialized diabetes nurse delegation
27 training. The training must include, but is not limited to,
28 instruction regarding diabetes, insulin, sliding scale insulin orders,
29 and proper injection procedures.

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